

House Bill 441

By: Representatives Bruce of the 61<sup>st</sup>, Collins of the 68<sup>th</sup>, and Alexander of the 66<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding the Juvenile Code, so as to create a treatment program within the juvenile court relating to the prevention and treatment of substance abuse; to provide for a definition; to include such program within the jurisdiction of the juvenile court; to provide for a privilege against self-incrimination for participation in such program; to provide for an order requiring participation in such program; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding the Juvenile Code, is amended by adding a new paragraph to Code Section 15-11-2, relating to definitions, to read as follows:

"(55.1) 'Plan of safe care' means a written plan to ensure the safety and well-being of beneficiaries through treatment for substance abuse and services for substance abuse prevention."

**SECTION 2.**

Said article is further amended by revising Code Section 15-11-10, relating to exclusive original jurisdiction, as follows:

"15-11-10.

Except as provided in Code Section 15-11-560, the juvenile court shall have exclusive original jurisdiction over juvenile matters and shall be the sole court for initiating action:

(1) Concerning any child who:

- (A) Is alleged to be a delinquent child;
- (B) Is alleged to be a child in need of services;
- (C) Is alleged to be a dependent child;

(D) Is alleged to be in need of treatment or commitment as a mentally ill or developmentally disabled child;

(E) Has been placed under the supervision of the court or on probation to the court; provided, however, that such jurisdiction shall be for the purpose of completing, effectuating, and enforcing such supervision or a probation begun either prior to such child's seventeenth birthday if the order is entered as a disposition for an adjudication for delinquency or prior to such child's eighteenth birthday if the order is entered for an adjudication for a child in need of services;

(F) Has remained in foster care after such child's eighteenth birthday or who is receiving independent living services from DFCS after such child's eighteenth birthday; provided, however, that such jurisdiction shall be for the purpose of reviewing the status of such child and the services being provided to such child as a result of such child's independent living plan or status as a child in foster care; or

(G) Requires a comprehensive services plan in accordance with Code Section 15-11-658;

(2) Concerning any individual under the age of 17 years alleged to have committed a juvenile traffic offense as defined in Code Section 15-11-630; ~~or~~

(3) Involving any proceedings:

(A) For obtaining judicial consent to the marriage, employment, or enlistment in the armed services of any child if such consent is required by law;

(B) For permanent guardianship brought pursuant to the provisions of Article 3 of this chapter;

(C) Under Chapter 4B of Title 49, the Interstate Compact for Juveniles, or any comparable law, enacted or adopted in this state;

(D) For the termination of the legal parent-child relationship and the rights of the biological father who is not the legal father of the child in accordance with Article 4 of this chapter; provided, however, that such jurisdiction shall not affect the superior court's exclusive jurisdiction to terminate the legal parent-child relationship and the rights of a biological father who is not the legal father of the child as set forth in Chapters 6 through 9 of Title 19;

(E) For emancipation brought pursuant to the provisions of Article 10 of this chapter;

(F) Under Article 8 of this chapter, relating to prior notice to a parent, guardian, or legal custodian relative to an unemancipated minor's decision to seek an abortion; or

(G) Brought by a local board of education pursuant to Code Section 20-2-766.1, relating to court orders requiring that a parent, guardian, or legal custodian attend a conference or participate in programs or treatment to improve a student's behavior; or

(4) Concerning any beneficiary who is pregnant entering a program of safe care as provided under Code Section 15-11-42 to address substance abuse during pregnancy."

### SECTION 3.

Said article is further amended by revising subsection (b) of Code Section 15-11-28, relating to privilege against self-incrimination, as follows:

"(b) No investigations, admission, confession, or incriminating information obtained from a ~~child~~ beneficiary in the course of any assessment or evaluation, or any treatment that is undertaken in conjunction with proceedings under this chapter, including but not limited to court ordered detention, ~~or~~ risk assessments and evaluations, and voluntary entry into a program of safe care as provided in Code Section 15-11-42 shall be admitted into evidence against such ~~child~~ beneficiary, except as rebuttal or impeachment evidence, or used as a basis for such evidence in any future adjudication hearing or criminal proceeding in which such child is accused. Such admission, confession, or incriminating information may be considered by the court at disposition."

### SECTION 4.

Said article is further amended by revising subsection (a) of Code Section 15-11-29, relating to protective orders, as follows:

"(a) In any proceeding under this chapter, either on application of a party or on the court's own motion, the court may make an order restraining or otherwise controlling the conduct of a person if due notice of the application or motion and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed. Such an order may require any such person:

- (1) To stay away from a person's home or a child;
- (2) To permit a parent to visit his or her child at stated periods;
- (3) To abstain from offensive conduct against a child, his or her parent, or any person to whom custody of such child is awarded;
- (4) To give proper attention to the care of his or her home;
- (5) To cooperate in good faith with an agency to which custody of a child is entrusted by the court or with an agency or association to which a child is referred by the court;
- (6) To refrain from acts of commission or omission that tend to make a home not a proper place for a child;
- (7) To ensure that a child attends school pursuant to any valid law relating to compulsory attendance;
- (8) To participate with a child in any counseling or treatment deemed necessary after consideration of employment and other family needs; ~~and~~

97 (9) To enter into and complete successfully a substance abuse program approved by the  
98 court; and  
99 (10) To enter into a program of safe care as provided under Code Section 15-11-42."

100 **SECTION 5.**

101 Said article is further amended by adding a new Code section to read as follows:

102 "15-11-42.

103 A juvenile court may establish a program of safe care under which any beneficiary may  
104 enter into a plan of safe care. Except as provided under paragraph (10) of Code Section  
105 15-11-29, a beneficiary may enter a program of safe care voluntarily. Such program of safe  
106 care shall bring together drug treatment professionals, social programs, and local and state  
107 government agencies, including, but not limited to, the Department of Human Services, in  
108 the development of plans of safe care. Upon acceptance into a program of safe care, a  
109 beneficiary shall undergo assessments, screening, and evaluations as are necessary for  
110 purposes of the program. A plan of safe care for a beneficiary may be used for purposes  
111 of an accountability court."

112 **SECTION 6.**

113 All laws and parts of laws in conflict with this Act are repealed.